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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,096	03/16/2005	Urs Leimgruber	267577US2PCT	5839

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

SALLIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

NOTIFICATION DATE	DELIVERY MODE
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01/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/528,096	Applicant(s) LEIMGRUBER ET AL.	
	Examiner SHANNON S. SALIARD	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. Applicant has cancelled claims 1-41 and added claims 42-82. Thus, claims 42-82 remain pending and are presented for examination.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if

the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

3. Claim 42 recites the limitation "the communication" in line 17. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.
4. Claim 46 recites the limitation "the data" in line 3. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. **Claims 42-82** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claims 42-82**, The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As per **claim 42**, It is unclear whether the claim is directed to a system or a method. Furthermore, there is no transitional phrase to define the scope of the claim. The transitional phrases "comprising", "consisting essentially of" and "consisting of"

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define the scope of a claim with respect to what unrecited additional components or steps, if any, are excluded from the scope of the claim. As such, it is unclear to the Examiner where the preamble of the claim ends and the body of the claim begins. Further, the limitation "assigned to the vehicles" as recited is vague and indefinite. It is unclear to the Examiner what is assigned. For the purpose of Examination, the Examiner will interpret the claim to be the availability assigned to the vehicle.

As per **claim 43**, the limitation "wherein the central unit checks via the onboard system of the vehicle an operational condition of the vehicle by the SMS before clearance for use" is vague and indefinite. It is unclear to the Examiner how a SMS checks the operational condition of the vehicle. For the purpose of examination, the Examiner will interpret the claim to read, "wherein the central unit checks via the onboard system of the vehicle an operational condition of the vehicle before clearance for use".

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 42, 44, 45, 47, 48, 50-52, 55-57, 59-61, 63-67, 69-72, 74-76, and 78-81** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson [US 2001/0037174] in view of Puccioni [WO 02/058031].

As per **claims 42, 55, 63, and 74,**

Dickerson discloses a method for a computer-supported vehicle reservation system in which a user identifies himself/herself at an identification module (0113; receives request from user), the identification module checks the identification with a central unit (0113; system correlates user's cell phone to user's profile), and, with successful identification of the user, a vehicle is cleared for use via an onboard system of the vehicle (0016),

wherein the central unit registers all vehicles of the vehicle reservation system, and stores, assigned to the vehicles, in a database temporal and/or local availability of individual of the vehicles (0063),

wherein the user identifies himself/herself at the central unit via input elements of a computing unit connected to the central unit (0113; receives request from user that identifies user by correlating cell phone number with user profile), and reserves a vehicle for a definable time and/or time span and/or location (0105), which vehicle is indicated by the central unit as available for the definable time and/or time span and/or location (0113),

transmitting an identification code to a mobile radio device of the user over a mobile network, wherein a reply from a user is sent back by the mobile radio device over the mobile network to the central unit as a confirmation, by which the reply the user is identified and by the central unit the vehicle is cleared for use via the communication device and onboard system for the defined time and/or time span and location (0116).

Dickerson does not disclose that an SMS module transmits the code to a mobile device

by SMS. However, Puccioni discloses transmitting an identification code by SMS to a user to access a reservation (pg. 7, lines 9-20). It would have been obvious to one of ordinary skill in the art to include in the vehicle reservation system of Dickerson the ability to transmitting an identification code by SMS to a user as taught by Puccioni since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 44 and 64**, Dickerson further discloses wherein the central unit transmits the identification to the mobile radio device of the user within a predetermined time span before a beginning of a desired use date [0116]. Dickerson does not disclose that the SMS module transmits the message. However, Puccioni discloses transmitting an identification code by SMS to a user to access a reservation (pg. 7, lines 9-20). It would have been obvious to one of ordinary skill in the art to include in the vehicle reservation system of Dickerson the ability to transmitting an identification code by SMS to a user as taught by Puccioni since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 45 and 65**, Dickerson further discloses wherein the central unit transmits to the user a confirmation of a reservation on the computing unit (0116).

As per **claims 47, 56, 66, and 75**, Dickerson further discloses wherein billing data is computed by a billing module of the central unit, and is transmitted from the central unit to a service provider of a mobile radio network by a communication module of the central unit, which billing data includes cost parameters for calculating cost amounts for a service procured by the user through the vehicle (0042; 0117; 0118).

As per **claims 48, 57, 67, and 76**, Dickerson further discloses sending a vehicle designation and/or location and/or time and/or time span to a user's cell phone (0116). Dickerson does not disclose message is a SMS. However, Puccioni discloses transmitting an identification code by SMS to a user to access a reservation (pg. 7, lines 9-20). It would have been obvious to one of ordinary skill in the art to include in the vehicle reservation system of Dickerson the ability to transmitting an identification code by SMS to a user as taught by Puccioni since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claims 50, 59, 69, and 78**, Dickerson further discloses wherein the computing unit is the mobile radio device (0113; user is identified by a cell phone).

As per **claims 51, 60, 70, and 79**, Dickerson further discloses wherein the computing unit communicates with the central unit via one or more computer networks (0068).

As per **claims 52, 61, 71, and 80**, Dickerson further discloses wherein the one or more computer networks include the Internet (0068).

As per **claims 72 and 81**, Dickerson further discloses wherein the one or more computer networks include a mobile radio network (0068). Dickerson does not disclose the computing unit communicates with the central unit by SMS and/or WAP. Puccioni discloses transmitting an identification code by SMS to a user to access a reservation (pg. 7, lines 9-20). It would have been obvious to one of ordinary skill in the art to include in the vehicle reservation system of Dickerson the ability to transmitting an identification code by SMS to a user as taught by Puccioni since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

9. **Claims 43 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson [US 2001/0037174] in view of Puccioni [WO 02/058031] as applied to claim 42 above, and further in view of Hirshberg [US 5,289,369].

As per **claim 43**, Dickerson does not disclose wherein the central unit checks via the onboard system of the vehicle an operational condition of the vehicle by the SMS before clearance for use. However, Hirshberg discloses wherein the central unit checks via the onboard system of the vehicle an operational condition of the vehicle before clearance for use (col 2, lines 43-52; col 4, lines 45-51). It would have been obvious to one of ordinary skill in the art to include in the car rental system of the modified

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Dickerson the ability of the central unit to checks via the onboard system of the vehicle an operational condition of the vehicle before clearance for use as taught by Hirshberg since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

As per **claim 46**, Dickerson does not disclose wherein the onboard system checks an operational condition of the vehicle periodically and/or upon request of the central unit, the data of the database of the central unit being updated based on the checked operational condition. However, Hirshberg discloses wherein the onboard system checks an operational condition of the vehicle periodically and/or upon request of the central unit, the data of the database of the central unit being updated based on the checked operational condition (col 2, lines 43-52; col 4, lines 45-51; Examiner interprets periodically to mean that the car check the car at some period in time). It would have been obvious to one of ordinary skill in the art to include in the car rental system of the modified Dickerson the ability of the onboard system to check an operational condition of the vehicle periodically and/or upon request of the central unit, the data of the database of the central unit being updated based on the checked operational condition. as taught by Hirshberg since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

10. **Claims 49, 58, 68, and 77** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson [US 2001/0037174] in view of Puccioni [WO 02/058031] as applied to claim 42 above, and further in view of Sugar et al [2002/0029164].

As per **claims 49, 58, 68, and 77**, Dickerson does not disclose wherein the vehicle is parked in an access-controlled area, and the user identifies himself/herself at an identification module of the access-controlled area upon entering the access-controlled area by the identification code. However, Sugar et al discloses using a identification code to access a controlled parking area [0060]. It would have been obvious to one of ordinary skill in the art to include in the car rental system of the modified Dickerson the ability to use an identification code to access a controlled parking area as taught by Sugar since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

11. **Claim 54** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson [US 2001/0037174] in view of Puccioni [WO 02/058031] and Hirshberg [US 5,289,369] as applied to claim 43 above, and further in view of Sugar et al [20020029164].

As per **claim 54**, Dickerson does not disclose wherein the central unit comprises a parking space administration module and a parking space reservation module, whereby during reservation of the vehicle indications about a destination are transmitted to the central unit by the computing unit and/or the SMS contains indications about a reserved parking space at the destination. However, Sugar et al discloses a parking reservation module that receives indication about a destination transmitted to a central unit by a computing device [0060; Abstract]. It would have been obvious to one of ordinary skill in the art to include in the car rental system of the modified Dickerson the ability to receive an indication about a destination during a reservation for a parking space as taught by Sugar since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

12. **Claims 53, 62, 73, and 82** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickerson [US 2001/0037174] in view of Puccioni [WO 02/058031] as applied to claims 51, 60, 70, and 79 above, and further in view of Official Notice.

As per **claims 53, 62, 73, and 82**, While Dickerson discloses using a cell phone telephone number for identification at the central unit (0113), Dickerson does not disclose wherein the user indicates a MSISDN of the mobile radio device for identification at the central unit. However, the Examiner takes Official Notice that it is

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old and well known in the art at the time of the invention to use a MSISDN to identify a mobile device. It would have been obvious to one of ordinary skill in the art to include in the car rental system of the modified Dickerson the ability to identify the mobile radio device by MDISDN as taught by the Official Notice since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANNON S. SALIARD whose telephone number is (571)272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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